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# S P E E C H

OF

## HON. JOSEPH K. EDGERTON, OF INDIANA,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JUNE 15, 1864.

The House having under consideration the joint resolution from the Senate, proposing to the Legislatures of the several States an amendment of the Constitution of the United States to abolish slavery—

Mr. EDGERTON said :

Mr. SPEAKER: Having on the question of its second reading voted for the rejection of the joint resolution now before the House, and intending to vote against it when put upon its passage, I desire to state some of the reasons that influence my vote.

In so far as the anti-slavery sentiment which now exists in the United States is based in sincere moral and political convictions, free from the taint of passion and fanaticism, I sympathize with and respect it, and I find fault with no man for opinions intelligently and honestly entertained. A large majority of the people of the United States who have had their birth and education in non-slaveholding States, whether American or foreign, are not in favor of negro slavery. They regard it as an evil to be deprecated, not as a good to be fostered and perpetuated; and when we look back upon the history of our country from the organization of the Union until now, and see how much the question of slavery has had to do with the political agitations and sectional and partisan animosity that have culminated in disunion and civil war, few candid men can hesitate to believe that it would have been far better if negro slavery had never existed on this continent. Say what we can in its favor, its existence and history afford no bright pages in the annals of our country. For one, sir, I would rejoice to know that by the free, peaceful, constitutional action of the people of the slaveholding States, manifested through their own consti-

tutions and laws, slavery had ceased to exist in all those States, and that the word slave could never again be truly applied to a human being within all the broad territory of the Federal Union; but I will not permit my opinions against slavery to lead me into hatred of slaveholders, nor into a lawless zeal to violate rights conceded to them by the Constitution of my country; and, in my judgment, so long as the Federal Union exists there is not and should not be any political power short of the free consent of each slaveholding State that can rightfully abolish slavery in the United States.

Negro slavery existed in all the States of the Union but one when the Federal Constitution was formed. It was a subject considered and earnestly discussed in the convention that framed the Constitution, and the Southern States, most largely holding slaves, were very sensitive and jealous as to any interference by the Federal Government with the question of slavery in the States. The Federal Constitution, therefore, accepted and recognized slavery as a fact and a legal relation under State laws; but it left it where it found it, subject to those laws. It neither in terms nor by implication assumed any control over the subject, except in three particulars:

1. It recognized and guaranteed the right of the States to import slaves until 1808.
2. It provided that in the basis of representation and direct taxation in the Federal Government five slaves should count as three free persons.
3. It provided, in substance if not in words, for the surrender to the owner or master, of any slave escaping from a State, where held as a slave under the laws thereof, into another State.



It is indisputable, therefore, that the Federal Constitution went into operation in 1789 as the bond of union and the supreme law for all national purposes expressed in that Constitution of free and slaveholding States, and that there was nothing in the Constitution to abrogate or impair the right of a slave-owner to the person and service of his slave in a slaveholding State any more than there was in it anything to impair the right of a father to the person and services of his minor child in any non-slaveholding State.

Under the peaceful protection and fostering care of this Constitution, which, in the language of its framers, was "the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable," States that were slave States when the Constitution was adopted became of their own volition, by their own legislation, and in their own time and way, without interference, let, or hindrance from the Federal Government, free States. Other original States of the Union continued to hold their slaves. Territory was acquired and organized as slaveholding territory. New States, formed from national territory acquired by cession from the original States or by purchase or annexation, as in the case of Texas, were admitted into the Union, some as slaveholding, others as non-slaveholding States; and on the 20th day of December, 1860, when South Carolina passed an ordinance of secession from the Federal Union, of the thirty-three States of the Union fifteen were slaveholding States.

It is needless to comment on the growth and prosperity of the Union from its organization up to the time of the attempt at its dissolution. It is enough to say, what we all know, that its history demonstrated that a Republic of Federal States, part slave and part free, could grow and prosper, and become great among the nations, and diffuse unexampled freedom and happiness among its people. Left to its peaceful, healthful action, the Federal system, committed to our care by our fathers, did not dishonor their wisdom nor patriotism.

It is undoubtedly true as a fact of history that the Union could not have continued, nor the Constitution as it now is have been adopted, if the Northern States had insisted upon the prohibition of slavery in the Constitution, or in providing for power in the Federal Government to control or abolish it. It was a local State institution, analogous in its legal features to the domestic relation of parent and child, guardian and ward, master and servant, one of the class which, by the theory of the Union, was reserved from the control of the Federal Government; and to have conceded the right of the Federal Government to control it would have been to concede a principle of Federal intervention with the internal policy of the States that would have been fatal to the peace and permanence of the Union. By the confederation of July 9, 1778, each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United

States; and if not in similar language, the Federal Constitution in its tenth amendment contains, in spirit and substance, the same reservation of rights to the States or their people. From the beginning of the Government until the commencement of civil war for its destruction it was the received interpretation of the Constitution of the United States by all political parties having any claims to numbers or respectability that the right to control or abolish slavery in the States were not in the Federal Government, and it was because of this absence of power in that Government, and of its supposed obligation to protect slavery, that a small party of the zealots of anti-slavery pronounced the Constitution itself to be "covenant with death and an agreement with hell." It was for that cause they hated it and cursed it, and worked for its destruction by poisoning the mind of the people with their traitorous heresies.

In so far as the present Administration and its party are concerned, I presume they will not deny, in reference to this question of State control over the institutions of slavery, the authority of the fourth resolution of the Chicago Convention of May, 1860, in these words:

"That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend."

Again, on the 11th of February, 1861, pending the efforts at compromise in Congress and in the peace conference consequent upon the threatened dissolution of the Union, the House of Representatives in the Thirty-Sixth Congress, by a vote of 116 ayes to 4 noes, adopted this resolution:

"Resolved, That neither the Federal Government nor the people nor governments of the non-slaveholding States have a purpose or a constitutional right to legislate upon or interfere with slavery in any of the States of the Union."

On the same day this resolution was amended, and passed by a unanimous vote of one hundred and sixty-one members, so as to read as follows:

"Resolved, That neither Congress nor the people or the governments of the non-slaveholding States have the right to legislate upon or interfere with slavery in any of the slaveholding States of the Union."

But again, on the 4th of March, 1861, President Lincoln, under the obligations of his official oath, and under circumstances, if ever, demanding truth and patriotism, reaffirmed the fourth resolution of the Chicago convention, and declared it to be his law, accompanying it with this declaration:

"Apprehension seems to exist among the people of the Southern States that by the accession of a Republican Administration their property and peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been



open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that 'I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.' Those who nominated and elected me did so with the full knowledge that I had made this and many similar declarations, and had never recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read."

Here the President read, as his law, the fourth resolution of the Chicago platform.

It would be incredible, Mr. Speaker, except for the reason that it is a fact of history admitting of no question, that the author of the above declaration is also the author of the emancipations proclamations of September 22, 1862, January 1, 1863, and of the amnesty proclamation, so-called, though it more properly deserves the name of the tyrant's and usurper's proclamation, of December 8, 1863.

Again, who would believe, sir, except because we know from history and experience the power of fanaticism and party spirit in overthrowing reason and corrupting morality, that the same party and the same political leaders who on the 10th May, 1860, adopted the fourth resolution of the Chicago convention, and on the 11th February, 1861, voted for or approved the resolutions of the House of Representatives just read, would, on the 8th day of June, 1864, in the face of the intelligence and public conscience of the American people and of the intelligent judgment of the world, have the assurance to publish to the world as articles of their political faith the resolutions I now read, namely, the third and fifth resolutions of the self styled Union convention lately held in Baltimore, namely:

"*Resolved*, 3. That as slavery was the cause and now constitutes the strength of this rebellion, and it must be always and everywhere hostile to the principles of republican government, justice and the national safety demand its utter and complete extirpation from the soil of the Republic; and that while we uphold and maintain the acts and proclamations by which the Government in its own defense has aimed a death-blow at this gigantic evil, we are in favor furthermore of such an amendment to the Constitution, to be made by the people in conformity to its provisions, as shall terminate and forever prohibit the existence of slavery within the limits or jurisdiction of the United States." \* \*

"*Resolved*, 5. That we approve and applaud the practical wisdom, the unselfish patriotism, and the unswerving fidelity to the Constitution and the principles of American liberty with which Abraham Lincoln has discharged, under circumstances of unparalleled difficulty, the great duties and responsibilities of the Presidential office; that we approve and indorse, as demanded by the emergency and essential to the preservation of the nation, and as within the provisions of the Constitution, the measures and acts which he has adopted to defend the nation against its open and secret foes; that we approve, especially, the proclamation of emancipation and the employment as Union soldiers of the men heretofore held in slavery."

Mr. Speaker, when American citizens, public men, the leaders of a great political party,

can thus stultify themselves and insult the truth of history; when they can thus prove their lack of all political integrity; when their "candied tongues" can thus lick the feet of power and "applaud" the destroyer of constitutional liberty, we have indeed reached a mournful era in our history as a nation, and there is cause for the hope of the patriot's heart to fail.

In answer to the wild ravings against slavery, and the revolutionary measures attempted in regard to it by the Administration and its party, I think I may safely appeal from the present testimony of that party, now thoroughly lost to reason, and infidel to its own plighted faith, to its testimony at Chicago and in Congress, which I have quoted, when under the name of the Republican party it was comparatively clothed and in its right mind.

I will assume, sir, for charity's sake, that the resolution of the Chicago convention, and the declarations of Mr. Lincoln's inaugural, and the resolutions of February 11, 1861, honestly expressed the opinions and purposes declared in them. We thus find the party now in power then affirming and committed to two cardinal principles:

1. Absence of power in the Federal Government and in the non-slaveholding States to legislate upon or interfere with slavery in the slaveholding States.

2. The right of the State governments to control their own domestic institutions, including slavery, and that the maintenance of this right "is essential to that balance of power on which the perfection and endurance of our political fabric [meaning of course the whole system of Federal and State government] depend." This proposition of the Republican party of 1860 and 1861 of course involved as its logical consequence and further proposition that to take from any State "the right to order and control its own domestic institutions according to its own judgment exclusively" would be to destroy that balance of power on which the perfection and endurance of the Union depend. In other words, when the right of State self-government as to its domestic affairs is taken away, the Union ceases to be perfect and will not endure.

We have no better proof of this fundamental truth than the present condition of our country. Disunion and civil war attest the danger of disturbing the balance of power in our Federal system. Out of their own mouths and by their own professed principles are the party in power convicted and condemned.

Thus stood the case as to Federal power over slavery when civil war was commenced.

We all know that one and the chief cause of that war, so far as the Southern States were concerned, was jealousy in those States of the growing and overshadowing political power of the Northern States, and fear that that power, in the hands of a party hostile to slavery, determined in some way to abolish it, and pledged to exclude it from all the Territories of the United States, would soon be exercised to reach and abolish it in the States, by amendments of the Federal Con-



stitution, or some other exercise of political power by the free States. The people of the Southern States, after the election of November, 1860, felt that the power of the Federal Government had substantially passed into the hands of an aggressive anti-slavery or abolition party, and that in so far as their own peculiar domestic institutions were concerned the Southern States were no longer able to protect them within the Union, and had therefore ceased to be equal States in that Union. Whether well founded or not, we know that this belief, this jealousy and fear prevailed in and excited the Southern States to war against the Federal Government.

The closing weeks of the Thirty Sixth Congress will ever be memorable in the history of this country, for the struggle between the radical or revolutionary and the conservative and constitutional elements of which that Congress was composed. During the same period a similar struggle between the friends of the Union and its enemies was going on in the peace conference held in this city. On the one side, both in Congress and in the conference, were the desire and effort to avoid the impending peril of civil war, and to restore the Union and its harmony by conciliation and compromise. On the other side was the evident determination to yield no point of the anti-slavery policy which had carried the Republican party into power, but to press that policy even to the extremity of the shedding of blood. The only substantial result of the effort to meet the Southern States in a spirit of conciliation, and to settle the question of slavery so as to allay their fears as to further interference with it within the States by the Federal Government or the free States, was the joint resolution of Congress, approved March 2, 1861, providing for the submission to a vote of the State Legislatures of an amendment to the Constitution, in these words :

"No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

This resolution passed the House of Representatives by a vote of 133 against 65, and the Senate by a vote of 24 against 12. What there was of wisdom in this action of Congress came too late. Whether because the southern people saw in the negative vote of the radical Republicans in Congress upon this resolution the evidence of a determination still to agitate the slavery question and to continue anti-slavery aggression, and therefore did not consider it as offering any security to them, or whether because they were determined that the Union should be broken at all hazards, it is certain that the joint resolution of Congress failed to stop the progress of disunion or to stay the coming of war. I refer to the resolution now as additional evidence to what I have already cited of the opinion of a large majority of the people, as expressed through their representatives at that time, that the right to legislate upon and con-

trol slavery should not exist in the Federal Government nor be taken from the State governments. The resolution itself, in fact, expressed no more than what was the spirit, if not the letter, of the Constitution as it now is; and the southern people so understood it, and did not therefore accept it as any substantial concession by the non-slaveholding States.

The assertion of power or right in a majority of the States, either through the legislation of the Federal Government or through amendments of the Constitution, to interfere with or control the domestic institutions of a State, such, for example, as slavery, essentially repudiates the principle upon which the Union was formed, namely, the political equality of the States. Such a right or power conceded places the minority of States at the mercy of the majority. A Federal State to which the Constitution affords no guarantee that its domestic institutions shall not be changed by other States nor by the Federal Government, loses the very essence of its freedom, independence, and sovereignty.

The arguments against the proposed joint resolution arise, first, from the character of the proposition itself; and, secondly, from the time and circumstances or the condition of public affairs in which it is presented.

I do not propose, Mr. Speaker, to consider in detail all the objectionable features which this proposed amendment to the Constitution presents. I am, sir, at a loss for words wherein to express my sense of its true character. It assumes the name and form of liberty and the functions and power of free government to perpetrate and cover up a great public wrong. It is not the only instance in history of an attempt to prostitute liberty to unholy purpose and malignant passions. "O liberty, what crimes are committed in thy name!" was the last exclamation of Madam Roland—herself a true lover of liberty—as she stood upon the scaffold, amid the demoniac yells of a Parisian mob, the zealots of "liberty, equality, fraternity."

I shall notice in general terms some of the cardinal objections to the joint resolution :

1. It proposes a revolutionary change in the Government. It seeks to draw within the authority of the Federal Constitution and the Federal Congress a question of local or internal policy belonging exclusively to the slaveholding States, and is in conflict with the principles on which the Union was originally formed, and with the whole theory and spirit of the Constitution as to the rights of the States. It means that three-fourths of the States may dictate to the other one-fourth what shall be their domestic institutions, and how they shall govern their internal affairs, and that even the right to govern as to such affairs may be taken away. It means that three-fourths of the States may at pleasure, by a constitutional amendment, appropriate without compensation or confiscate the property of the other one-fourth. In its present form the resolution is aimed at slavery; but it might, with equal propriety, be aimed at any other local law or institution of a State.



It might as well propose that freedom of religious opinion should be abolished, and one form of religious worship only prevail in all the States; or that marriage should not take place except between certain classes and at certain ages and otherwise define marital rights, or be extended to regulate the relations of parent and child, or the canons of property, or the elective franchise. The principle of the proposed amendment is the principle of consolidation, and cannot be drawn into precedent without a final subversion of our constitutional Government. It is absurd to call a Federal Union wherein such a principle of consolidation has been introduced into its fundamental law a Union of free and equal States. The minority would be ever the subjects, not the co-equals, of the majority of the States.

2. The amendment proposes to change the constitutional basis of representation and taxation. By the Constitution as it is five slaves count as three free persons only in the apportionment of Federal Representatives and direct taxes. The effect of the amendment, therefore, will be to increase southern representation, based upon the negro population, to the extent of two-fifths at least of that population; and no man who knows the motives and policy of the party in power questions but that their object in part, by the proposed amendment, is to make the negro population not merely a passive but an active basis of representation in the Federal Government. First, the negro a citizen of the United States; secondly, the negro a free citizen of the United States, protected everywhere, in defiance of existing State constitutions and laws, as such citizen; and thirdly, the negro a voting citizen of the United States, are all propositions logically involved in the proposed amendment. The same revolutionary power which enfranchises negroes by presidential edicts of emancipation, or by constitutional amendments, carried, as this would be, in the southern States, if it receives the two-thirds vote of this Congress, so as to be submitted to the State Legislatures, by fraudulent elections and by duress of arms, would soon admit negroes to the elective franchise in all the States, and negro representatives in Congress would speak the voice of southern if not of the northern States. This is the designed effect of the proposed amendment in its change of the constitutional basis of representation.

In its operation upon the basis of taxation in the southern States, the effect of the proposed amendment would be to increase their quota of direct taxation while it diminished their wealth and ability of payment: first, in the direct loss of the value, equal perhaps to \$2,000,000,000, of all slave property, by the act of abolition without compensation; second, in the diminished value of all southern agricultural lands, consequent upon the destruction of the organized system of labor that has made them productive and valuable; third, in the diminution, resulting from the same cause, of the products of all farm or plantation property. Whatever might be the re-

mote and ultimate effects of abolition upon the wealth of the southern States, no man can doubt that its immediate effect would be to immensely reduce their aggregate wealth and to overburden with taxation and impoverish the present owners of property in those States.

3. The effect of this amendment would be to turn loose at once, without preparation or education for freedom, without property or the means whereby to live, and without the guidance, restraint, and protection of the superior intelligence and forethought of their masters or owners, the whole slave population of the southern States, numbering from three and a half to four million persons. A change so sudden and so radical in the industrial and social system of States, and especially in the condition of such a class of persons as the negro population of the southern States, is without precedent or justification in history; and we have no warrant for believing that it would be a benign and healthful change. On the contrary, we have the testimony of one who, although an instrument, and an active instrument, in bringing about this great social revolution, has declared—but in this as in many other instances proved false to his own opinions—that “gradual, not sudden emancipation is better for all.” All who know anything of the negro character know this to be true. Sudden freedom to the negro, without the capacity to appreciate and improve it, has proved not a blessing but a curse. On this point let tens of thousands of homeless, diseased, demoralized, starving, naked, helpless “contrabands” bear testimony.

4. This proposed amendment is designed to be the coadjutor and crowning effort of that stupendous system of confiscation or legalized plunder by which the party in power propose to restore the Union. They have already gone as far as they could do by acts of legislation and executive edicts of emancipation to seize and appropriate the property and free the slaves of those in arms against the Federal Government and to partition the Southern lands among negroes, and now the final act of confiscation in the shape of this amendment is proposed to operate upon friend and foe, Union man and rebel alike, in the appropriation to public use without compensation of the entire slave property of the United States.

We have hitherto considered it a fundamental principle of civil polity, as it is a provision of our Constitution, that private property cannot be taken for public use without just compensation. This proposed amendment ignores and tramples upon that principle. If the public good really demands that the slave-owners of the South should surrender their slave property, is there any principle of constitutional freedom or of public justice that justifies the demand for that surrender without making adequate compensation? None, sir; and it is the plunder of despotism, not justice nor constitutional liberty, to take the property without making the compensation. There was a time, sir,



when the President of the United States, now in office, and many of his friends in the Thirty-Seventh Congress, thought that slaves were property, and that if they were emancipated for the public good the United States should co-operate and help to pay for them. I refer for evidence on this point to the various messages and resolutions comprising his compensated emancipation scheme sent to the Thirty-Seventh Congress by President Lincoln, and to the action of that Congress on the subject. In this, as in most other cases, the President and his party have been false to their professions. What they once thought should not be taken without being paid for, he by his emancipation proclamation, and they by their proposed amendment to the Constitution—which he no doubt will approve if it passes this Congress—propose to take by the strong hand of a despotic majority without payment or compensation.

Again: if the proposed amendment be based upon the idea of punishment to slaveholders for their rebellion, then is it evidence of an attempt to punish a whole class for the crime of a part, the innocent for the guilty. If the slaveholders of South Carolina, for example, have rebelled and forfeited their slaves to the vengeance or justice of the law, they, and they alone, should be punished according to the law; but, sir, should the slaveholders of Kentucky, who have not rebelled nor forfeited any constitutional right, be swept into the same great revenge which it is proposed to visit upon the slaveholders of South Carolina?

"Slavery has committed the unpardonable sin and it must die" is a declaration, in substance if not in words, uttered in this Hall. It is the shibboleth of the party in power, the key-note of their policy; and in the consummation of their purposes they ruthlessly trample upon constitutions, laws, instincts of race, the love of kindred, and even the common feelings of humanity. What matters it, sir, to the zealots of the anti-slavery idea that a white man of the South, his wife, his children, born perhaps to affluence and educated in all the refinements of social life, should be driven from their inheritance and become homeless, houseless wanderers, and even mendicants, before their own slaves, so long as the negro, without intelligence, without education, without capacity for self-government, can be installed as owner of the soil from which his master and protector has been driven, and become a political instrument whereby the party now controlling the Federal Government can perpetuate their hold on public power? What matters it that our land is drenched in blood, our people demoralized, oppressed, impoverished, and grinding taxation makes the labor of our once thrifty husbandmen a struggle only for the means whereby to live, and drives forth to the labor of the fields, like the slave women of the South or the serfs of European despotism, our white women and children, so long as slaveholders and "slavemongers" are crushed, and negroes are free, owners of Southern soil, voters at elections, statesmen

in Congress, and companions and equals at our firesides and in our marriage beds? This joint resolution is the legitimate fruit of that hatred toward the slaveholders of the South and to the Union and the Constitution which found expression in the publication known as the *Helper* book, and in the declaration of Garrison, "The Constitution of the United States, a covenant with death and an agreement with hell." The abolition of slavery and the destruction and impoverishment of slaveholders, "the ruffians, outlaws, and criminals" of the Southern States, feed fat the grudge of Northern Abolitionists; and what matters it that the Union and Constitution perish in the flames if the fanatics of abolition can but dance around the holocaust of negro slavery?

On the issue that the principles and policy of the abolition party now in power inevitably involved a revolutionary change in our Federal system; in other words, in fear that the Republican party, if not in other apparently less legitimate ways of carrying out their anti-slavery policy, would do it by amending the Federal Constitution and coercing the minority of States to accept the amendment, eleven of the Southern States declared their independence of the Federal Government, and have attempted to establish that independence by war.

In the midst of this war, gigantic, barbarous, unnatural, filling the land with sorrow, and swiftly leading the Republic on the road to its ruin, while mighty opposing armies confront each other, and almost every day witnesses the slaughter of hundreds, if not thousands, of our heroic young men, and while the results of the war in the restoration of a divided Union and the preservation of the Constitution are yet unknown and uncertain, this revolutionary proposition to amend the Constitution of the United States by introducing into it the very principle against the establishment of which eleven States have seceded and appealed to arms, is brought forward for agitation among the people—brought forward, too, as I believe, when its advocates well know that it cannot receive the constitutional two-thirds vote of this Congress to warrant its submission to the the Legislatures and people of the United States.

There can, therefore, it seems to me, be no practical purpose to be accomplished by this attempt at constitutional amendment at this time, except to indicate to the world, and especially to the men in arms against us, that the war on our part is to accomplish the very purpose with which they charged us in the beginning, namely, the abolition of slavery in the United States, and the political and social elevation of negroes to all the rights of white men. If this Congress desires to prove to the people of the Southern Confederacy that they had a cause for beginning a war for their independence, the proof cannot more effectually be made than by the passage of this resolution. It is a plain, undisguised attempt to indicate what the Administration and party in power intend shall be the result



of the irrepressible conflict they have declared and invited even to the extremity of civil war.

Mr. Speaker, I have no desire to discuss the right or policy of slavery at this time. It may be a sin; it may be impolitic; it may be unprofitable. Arguments on both sides have been and can be made, and radical differences of opinion exist on the subject, and neither the power of a political majority nor the power of war can determine the abstract right or wrong of the opposing opinions. I am not the apologist nor friend of slavery, but no abstract or theoretical opinions about slavery determine my vote on the question before the House. If so be that slavery is dead, as the result of civil war, as many say, not of the emancipation proclamation, which the author of it has himself aptly termed *brutum fulmen*, I have no regrets for it; no tears to shed over its grave; its own advocates have done their part to slay; let them reap as they have sown; I have no desire to revive or restore it. If, however, slavery be wounded nigh unto death, but not slain, I for one will not, for the sake of giving it its death-blow, either swear to or admit the right to abolish it by executive edict, or introduce into the Constitution of my country, by way of amendment, a principle and a precedent that may in an evil hour of excited passion like the present put the dagger to the heart of the freedom and independence of my own State, and make me the serf of a despotism. Better, sir, for our country, better for man, that negro slavery exist a thousand years than that American white men lose their constitutional liberty in the extinction of the constitutional sovereignty of the Federal States of this Union. Slavery is the creature of the States alone, not of the Federal Union; they made it, let them unmake it. If the States wherein slavery still lives, a mangled, bleeding, prostrate form, see fit to give it the final blow that shall make it a thing of the past, let them do so in their own time and way. If, however, they see fit to nurse it into a further brief vitality, let them do it; it is their ward, not yours nor mine.

My arguments against the joint resolution are in substance as already indicated:

1. That it seeks to draw within the authority of the Federal Constitution and Congress a question of local or internal policy, belonging exclusively to the slaveholding States, and that it is therefore in conflict with the theory and spirit of the Constitution, and subversive of the principles and basis of the Union.

2. That it is a scheme malignant in its motives, and essentially unjust and dishonest in its purposes. It cannot, on any principle of constitutional or public law, be justified as an act of punishment; and as a scheme of virtual appropriation of private property without compensation, it is equally repugnant to the principles of free and just government.

3. That the tendency of the resolution, offered at this time especially, is to strengthen the resistance to the restoration of the Union,

and to render such restoration improbable if not impossible.

4. That even if the proposed amendment were just and politic, in the abstract, it should be brought forward at a time when it can be fairly and calmly discussed, and passed upon by a full and fair expression of the opinions of the people of all the States; and we know that no such full and fair expression of opinion can be obtained at this time, or pending this war. The work of remodeling the Constitution, if that be necessary, is a work for the calm thought of times of peace, not for the excited passions of war. It is said "the laws are silent in the midst of arms," and we know by a painful experience that this is too true, even in our own States, that have been far removed from the theatre of the war, and where the civil courts should be open for the free operation of the laws in the punishment of offenders and for the protection of the innocent.

In confirmation of this statement, sir, need but mention that a true American patriot and statesman, known to us all—the peer in patriotism and statesmanship of any man upon this floor—still lives in exile, a banished man, the victim of lawless oppression, because the laws he honored and obeyed were silent and impotent in the midst of arms, and he appealed to them in vain for justice and protection. And, sir, I would here say, because it is due to truth to say it, that so long as that flagrant and shameless act of despotism, the banishment of Vallandigham, remains unrebuked and unpunished by the American people, they claim without truth the title of freemen, and their boast of constitutional liberty is a boast and nothing more. But more is it true that laws are silent in States occupied and overrun by the opposing armies. There law and reason alike are voiceless and powerless, and freedom of speech and of suffrage, the basis of all true political freedom, is subdued by arms. It is mockery and insult to talk of submitting to the people of the seceded States questions of amendment to the Federal Constitution when they are under the duress and subjected to all the calamities and excitements of war.

Again, sir, I would ask, is it right, is it wise, is it magnanimous, is it in accordance with the principles of our Federal system, that this Congress, in the absence virtually of the Representatives of eleven States, parties to the Constitution, while the places of those States are vacant, and their voices not heard in our Halls—except I might, perhaps without exaggeration, say, in the thunders of their warlike array, protesting against our policy of aggression and usurpation—is it right or wise, I ask, that we, a fraction of the constitutional representation in Congress, should attempt to provide for a fundamental change in the Government that will overturn their social and industrial systems, and affect for all time the absent and protesting States? I freely say that there is neither wisdom, justice, magnanimity, nor humanity in the attempt of this Congress, at this time and in this way, to innovate upon the Constitution. Let us first determine how much of the terri-



tory that once acknowledged the Constitution of the United States as its supreme law is our territory, and whether or not that Constitution is to remain the supreme law of the land, before we attempt to amend it. Let us reconcile those in arms against it to the Constitution as it is before we attempt to incorporate into it a provision they have denounced, and we have no right to impose without their free consent.

I have watched with the anxiety due to their importance the proceedings and legislation of this Congress, and noted well the spirit and purposes of the majority that control it. The majority here seem to me to be governed by the spirit of revolution, not of conservation. They do not believe in the Constitution of the United States as its framers made and interpreted it. They do not believe in the Union as the fathers made it. They do not propose to restore the Union nor to retain the Constitution in its integrity. Co-workers with and copyists of the revolutionists of secession, this Administration and this Congress have abandoned the old Union and Constitution—our surest hope and our best defense—and adopted the dangerous experiment of revolution against revolution. The party of secession would disintegrate by revolution; this Congress would consolidate by revolution. The one by force of arms would make a new nation of slaveholding States; the other by force of arms and by force of revolutionary and unconstitutional legislation would make a new nation, a regenerated Republic, as they are pleased to style it, without slavery, but in truth States emasculated of the manly freedom that was once the pride and boast of the people of all the United States.


It is vain, sir, for gentlemen of the majority here to claim that they are the friends of peace on the basis of the Union and Constitution as they existed before the war began, or to deny that they are the advocates and instruments of revolution. The records of this Congress, with daily accumulating evidence, falsify the claim and the denial. You desire no peace, and you do not intend, if you can help it, to accept peace until you have abolished slavery; deprived if not robbed by confiscation the property-holders of the South of their rightful inheritance; made negroes socially and politically the equals of white men; and remodelled the Constitution to suit your own political purposes. Your ears are deaf to appeals and arguments for the old Union, and you speak of it as a hated thing of the past. You openly scoff at the Constitution, and the ablest among you denounce it as "an atrocious idea." You do not seek the ways of peace. Your policy is subjugation, not restoration. The instruments by which you work are the instruments of vengeance and despotism, not of humanity and justice and constitutional freedom. Your records show no resolves or enactments for conciliation and peace and reunion, but for conscription, wherein you attempt to legalize the slavery of free-men to a military power that acknowledges no limit but its own will; confiscation by whose agency revenge, avarice, and fraud combine for plunder; inordinate taxation that borders

on confiscation; proscription of your political opponents; proscription of the press, of free speech, and proscription of freedom of debate even in the Halls consecrated to it, by the Constitution, and by every hope of a freeman's heart. You openly justify wanton acts of Executive usurpation, and violations hitherto unprecedented of constitutional liberty. While hundreds of thousands of your kindred, of patriots whom you have lured into war under the solemn pledge that it should be a war to restore the Union and Constitution with all the dignity, equality, and rights of the several States unimpaired, are slaughtered by the demon of war, and the people groan under the burdens you have laid upon them, and are still exerting your skill in devices of taxation to increase, with eager haste you counsel together and legislate for the division among negroes of Southern lands, on which you cannot and dare not set your feet. You are arrogant in your present power and despise your enemies without cause. You exasperate while you should conciliate; you threaten where you should negotiate, and work for vengeance where you should labor for peace. You openly declare your purpose to treat as devils those of your kindred race whom you have exasperated to madness; those who have been your fellow-citizens, and who, however malignant and inhuman your purposes concerning them, you must in the end treat as men and equals, if not as fellow-citizens and brethren.

Mr. Speaker, the line of policy which this Administration and its party and the majority in this Congress have adopted toward the people of the Southern States, and toward the Democratic party of the North, is the dictate of passion and partisan spirit, and indicates more the arrogance of power than of patriotic statesmanship. That line of policy will not succeed. The experience of history and of human nature teaches us it will not succeed. The work of this Administration and Congress is the work of disunion, not of Union. It will destroy, not build up. It is fruitful of evil, not of good, and must and will be changed—peacefully and in the methods of the Constitution, so far as the Northern Democracy are concerned, so long as they are left free to use the methods of the Constitution, but forcibly if need be when an oppressed and indignant people have no other remedy for the preservation of their constitutional rights but to rise in the majesty of their strength and assert and maintain them by the strong arms of free-men.

If we are to restore the Union with the seceded States and save the Constitution, other arguments than war and denunciation and insult and the invocation of the spirit of revenge and plunder must be used. It was not in that way the Union and Constitution were formed, nor can they thus be saved. In persisting in your policy, of which the joint resolution now before the House is but one expression, you are but paving the way for the division and dishonor of your country, and for your own dishonor, when impartial history shall sit in judgment upon the men and events of these perilous days.





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